

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Robin Foley, Esq., et al.

v.

Civil No. 10-cv-00335-JL

Town of Lee, et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **January 3, 2011.**

The Discovery Plan (document no. 15) is approved as submitted, with the following changes:

- Close of discovery - **August 23, 2011**
- Plaintiff's expert disclosure - **April 1, 2011**
- Defendant's expert disclosure - **June 1, 2011**
- Expert Supplementation - **July 1, 2011**
- Summary judgment deadline - **September 1, 2011**
- Motion to dismiss deadline - **February 21, 2011**
- Jury trial - **January 2012**

Based on the discussions between the court and counsel at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses: Tenaglia's comparative negligence defense.

By **February 1, 2011**, the plaintiffs will amend their complaint to clearly indicate which plaintiffs and defendants are parties to each count.

Disclosure. The parties were advised at the conference that the court, in its prior work as a prosecutor, had a professional working relationship with the spouse of defendant Murch. If any party wishes to seek relief based on this relationship, a request should be filed within ten (10) days of this order.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written

materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: January 3, 2011

cc: Kimberly A. Zizza, Esq.
Jacqueline C. Fitzgerald Boyd, Esq.
R. Matthew Cairns, Esq.
Edmund J. Water, Jr., Esq.